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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/875,916 10/31/97 VINI

P VINI-2

001444

IM22/0529

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EXAMINER

KIM BERRY, S

ART UNIT

PAPER NUMBER

1745

DATE MAILED

06/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



DOCKETED

Amend-29 SEP 2001

Office Action Summary

Applicant No. 08/815916	Applicant VINE
Examiner KALAFAT	Group/Unit 1745

-- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address --

Period for Reply

3

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 C.F.R. 1.136a. It is noted, however, that a reply must be filed within SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 136).

Status

4/25/01

- ☒ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Gayle*, 1985 O.G. 11; 458 O.G. 218.

Disposition of Claim(s)

- ☒ Claim(s) 10-14, 17-22, 25-44 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 10-14, 17-22, 25-44 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-648.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d):

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some ☐ None of the CERTIFIED copies of the priority documents have been:
- ☐ examined.
- ☐ received in Application No. (Serial Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 19
- ☐ Notice of References(s) Cited, PTO-882
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-648
- ☐ Information Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-432
- ☐ Other _____

Office Action Summary

(18)

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Entered Claims 1-9 -- when cancelled

small spec?
 - cancell claim
 allows?
 new law

1. Claims 10-14, 17-22 and 25-29, for reasons of record, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. See the Office Actions of paper numbers 12 and 14, the first paragraph of each. Since the amendment of 3/28/01, which sought to cancel these claims, could not be entered, these claims remain in the present application.

cancel!

2. Claims 30-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 30 and 31, the term "short-circuited" is confusing, since a "short circuit" is normally understood to be an electrical connection within the cell, which prevents electricity from being used at its desired location outside the cell. The term "connected" is suggested. The term "reduced quantity" would have indefinite scope. The term "adapted vapor partial pressure" is unclear because how the pressure is "adapted", what the adaptation is, and which vapor is having its pressure adapted are not specified in these two claims or the specification. The claims are also inconsistent as to which components undergo the electrochemical reaction. At the end of the sixth paragraph of claim 30 and the end of the fifth paragraph of claim 31, the carrier gas and vapor are both said to be consumed, implying that they both under the reaction, while elsewhere, the carrier gas is recited as the material which undergoes the reaction. These two claims also recite that the carrier gas is liberated, but this would be inconsistent with the recitation that the gas is consumed. What the gas is liberated from is also not recited. In claims 32 and 38, the

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terms "the substance phase quantities" and "the ternary substance circulation" have no clear antecedents. What the "media-conveying devices" are is unclear. In claims 35, 41 and 42, the term "negligible" would have indefinite scope. In claims 37, 43 and 44, the term "the substance flows" has no clear antecedent.



37 S 11
43 S 14
44 S 15

C 32 S. 8
C 38 S 12
C 35 S
41 S
42 S

3. Claims 32, 35, 38 and 42 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The terms "media-conveying devices" and "negligible current flow" do not appear to have support in the original specification.

no m
1-9?

4. The disclosure is objected to because of the following informalities: Numeral 28.1, in figure 2, is not found in the specification. On page 2/7, the top line, and on page 2/9, the second line from the bottom, the term "short-circuited" also appears. For reasons stated above, this term does not correctly describe the connection of the present cell to an external load. Appropriate correction is required. As stated in paper no. 14, applicant's proposed correction of figures 1 and 2 is considered acceptable.

FIG 2
Missing

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Steve Kalafut whose telephone number is (703) 308-0433. His

Examiner's Office
Ref. to. Ref. Rev. of Rev. of
703-308-7712

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supervisor, Gabrielle Brouillette, may be reached at (703) 308-0756. The Technology Center
receptionist may be reached at (703) 308-0661.

Customer Service (703) 306-5665
→ 1-800-786-9199

sjk

June 25, 2001

[Handwritten signature]
1700